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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,711	01/22/2004	Robert Jonathan Carr	CAR780.05	5217

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EXAMINER

BAREFOOT, GALEN L

ART UNIT PAPER NUMBER

3644

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,711

Applicant(s)

CARR ET AL.

Examiner

Galen L Barefoot

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/12/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,5,14,19,22-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pelet (French # 83262).

Pelet shows airflow inducement 41, coanda above 47-48, wing 51, curved surface 52, flaps 59,61.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-3,6,7,18,20,21,28,29,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet in view of Rebasti (2996266).

Rebasti teaches placing flaps 11 on the conada 3 and 12 the curved surface 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide other surfaces of Pelet with flaps as taught by Rebasti since it will enhance control.

1. Claims 8-10,15,16,17,25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Pelet with wheels, water landing or aircusion means since this is a well know addition for landing and movement on the ground also obvious to drive 41 with any type motor.

1. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet in view of Vass (5503351) .

It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the lifting wing of Pelet on rotatable mounts as taught by Vass since it will increase forward propulsion efficiency.

2. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet in view of Sakamoto (4941628) .

It would have been obvious to one having ordinary skill in the art at the time the invention was made to Provide the lifting means of Pelet with a further bypass as taught by 16 of Sakamoto in figure 6 since it will enhance the coanda effect by the increased flow.

1. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelet and Sakamoto as applied in paragraph above, and further in view of Shuba (5261228).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the bypass of the above combination with a gate as taught by figure 2 of Shuba since it will enhance the bypass ratio.

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Galen L Barefoot whose telephone number is 703-308-2567.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

September 13, 2004



**Galen Barefoot**  
**Primary Examiner**  
**Technology Center 3644**